

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL PUGET SOUND WASHINGTON REGION
STATE OF WASHINGTON

SHOREWOOD NEIGHBORHOOD
PRESERVATION COALITION,

Petitioner,

v.

CITY OF BURIEN,

Respondent,

and

NO CHILD SLEEPS OUTSIDE, LLC and
MARY'S PLACE SEATTLE,

Intervenors.

Case No. 19-3-0005

ORDER DENYING RECONSIDERATION

This matter comes before the Board on Shorewood Neighborhood Preservation Coalition's (SNPC) Motion for Reconsideration of the Board's Final Decision and Order (FDO).¹ City of Burien (Respondent) and Intervenor filed a response. The Board had before it the following submittals from the parties:

- Shorewood Neighborhood Preservation Coalition's Motion for Reconsideration.²
- City of Burien and Intervenor/Applicant's Joint Response to Petitioner's Motion for Reconsideration.³

I. ANALYSIS AND DISCUSSION

A motion for reconsideration of a final decision of the Board is governed by WAC

¹ August 13, 2019.

² Filed August 22, 2019.

³ Filed September 3, 2019.

1 242-03-830. WAC 242-03-830(2) provides that a motion for reconsideration shall be based
2 on at least one of the following grounds:

- 3 (a) Errors of procedure or misinterpretation of fact or law, material to the
4 party seeking reconsideration; or
5 (b) Irregularity in the hearing before the board by which such party was
6 prevented from having a fair hearing.

7 With the motion presented, Petitioner asserts that the Board's decision makes the
8 following errors:

- 9 1. Misinterpretation of Policy RE 1.9 regarding the "area."
10 2. Lack of factual support for the Ambaum corridor density calculation.
11 3. Lack of a ruling on the "node" issue.
12

13 In its response, the City and Intervenor/Applicant contend that the Petitioner's
14 allegations of error are merely re-argument of the case, unsupported by any legal citation
15 that indicates a misinterpretation of law.

16 A motion for reconsideration is not simply an opportunity to reargue a case.
17 *Suquamish II v. Kitsap County*, CPSGMHB No. 07-3-0019c (Order on Motion for
18 Reconsideration, September 13, 2007) at 3. The fact that the Board disagreed with
19 Petitioner's legal analysis does not provide a basis for reconsideration. See *Bremerton II v.*
20 *Kitsap County*, CPSGMHB No. 04-3-0009c (Order on Reconsideration, September 16,
21 2004) at 6. As the Board noted in *Petso v. Snohomish County*, CPSGMHB No. 07-3-0006
22 (Order on Motions for Reconsideration, May 10, 2007) at 3:

24 Petitioner's argument for reconsideration on the law introduces no additional
25 authorities but simply reargues the case – passionately and cogently – with
26 Petitioner reaching a different conclusion than the Board in application of the
27 governing statutory and case law to the facts at hand.

28 In the present matter, the Board's Final Decision and Order involved a careful review
29 of the facts in the record, with close attention to each of the matters re-asserted by
30 Petitioner in its request. Petitioner offers no facts not already fully considered by the Board.

31 The Board's Final Decision and Order involved a thorough review of the parties'
32 briefs and relevant legal standards. The Board cited and relied on cases brought to its

1 attention in the briefing and in careful reading of the record. The Board finds no
2 misrepresentation of law. The Petitioner again disputes the Respondent's characterization of
3 the area and repeats its assertion that the zoning change is incompatible with surrounding
4 residential areas, but the Board does not find that the disputed descriptions are relevant to
5 the case outcome.
6

7 II. ORDER

8 Having reviewed the Shorewood Neighborhood Preservation Coalition's Motion for
9 Reconsideration, the City of Burien and Intervenor/Applicant's Joint Response, the relevant
10 provisions of the GMA and the Board's Rules of Practice and Procedure, the Board finds
11 that the Petitioner has not provided a basis either in error of fact or in error of law that
12 compels further reconsideration of the Final Decision and Order. Consequently, the
13 Petitioner's Motion for Reconsideration is **DENIED**.
14

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16 Entered this 12th day of September 2019.
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Deb Eddy, Board Member

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Cheryl Pflug, Board Member

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Nina Carter, Board Member
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28 **Note: This is a final decision and order of the Growth Management Hearings Board**
29 **issued pursuant to RCW 36.70A.300.⁴**
30

31 _____
32 ⁴ A party aggrieved by a final decision of the Board may appeal the decision to Superior Court within thirty days as provided in RCW 34.05.514 or 36.01.050. See RCW 36.70A.300(5) and WAC 242-03-970. It is incumbent upon the parties to review all applicable statutes and rules. The staff of the Growth Management Hearings Board is not authorized to provide legal advice.